

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
SEP 13 2006
JOHN A. NORDBERG, JUDGE
UNITED STATES DISTRICT COURT

ERIC HUNT and
ANDREA HUNT

Plaintiffs,

vs.

No. 00 C 6591

Judge Nordberg

Magistrate Judge Schenkier

Chicago Police Officers HAROLD BONE,)
#4776; GERALD BREIMON, #16667;)
MICHAEL STACK, Star #18480;)
ERIC OLSEN, #4494; ARLYN CASSIDY,)
#2920; THOMAS DINEEN, #19770;)
VICTOR GUTIERREZ, #20220; JOHN)
BOYLE, #20671; THE CITY OF)
CHICAGO, a municipal corporation;)
CATHERINE QUINLAN, a Cook County)
Assistant State's Attorney; THE OFFICE)
OF THE COOK COUNTY STATE'S)
ATTORNEY,)

Defendants.

RELEASE AND SETTLEMENT AGREEMENT

Plaintiffs, Eric Hunt and Andrea Hunt, by their attorney, Lawrence V. Jackowiak, and the defendants City of Chicago, by its attorney, Mara S. Georges, Corporation Counsel of the City of Chicago, and Harold Bone, Gerald Breimon, Michael Stack, Eric Olsen, Arlyn Cassidy, Thomas Dineen, Victor Gutierrez, and John Boyle, by their attorney, Margaret A. Carey, herein stipulate and agree to the following:

1. This action has been brought by plaintiffs, Eric Hunt and Andrea Hunt, against defendants, City of Chicago, Harold Bone, Gerald Breimon, Michael Stack, Eric Olsen, Arlyn Cassidy, Thomas Dineen, Victor Gutierrez, John Boyle and Catherine Quinlan, and makes certain allegations contained in plaintiffs' complaint.

2. Defendants deny each and every allegation of wrongdoing as stated in plaintiffs' complaint, and further, deny liability.

3. The parties and their respective attorneys acknowledge that settlement of this claim is not an admission of liability, or of unconstitutional or illegal conduct by or on the part of any defendant and/or the City of Chicago and/or its future, current or former officers, agents and employees, and shall not serve as evidence or notice of any wrongdoing by or on the part of any defendant and/or the City of Chicago and/or its future, current or former officers, agents and employees. The parties and their respective attorneys further acknowledge that settlement is made to avoid the uncertainty of the outcome of litigation and the expense in time and money of further litigation and for the purpose of judicial economy. Plaintiffs and their attorney agree that they or any firm with which said attorney is affiliated or with which said attorney may later become affiliated shall not use this settlement as notice of misconduct on the part of any defendant and/or the City of Chicago and/or its future, current or former officers, agents and employees, or for any other purpose in any other litigation, and that any such use is inconsistent with the terms of this Release and Settlement Agreement.

4. In consideration of the hereinafter indicated settlement entered pursuant to this Release and Settlement Agreement, and upon advice of counsel, plaintiffs, Eric Hunt and Andrea Hunt, agree to dismiss with prejudice all of their claims against defendants City of Chicago, Harold Bone, Gerald Breimon, Michael Stack, Eric Olsen, Arlyn Cassidy, Thomas Dineen, Victor Gutierrez and John Boyle, with each side bearing its own costs and attorneys' fees.

5. Plaintiffs, Eric Hunt and Andrea Hunt, accept a settlement from defendant, City of Chicago, in the total amount of THIRTY-SIX THOUSAND AND NO/100 (\$36,000.00) DOLLARS, with each side bearing its own costs and attorneys's fees.

6. The City of Chicago agrees to pay plaintiffs the total settlement amount of THIRTY-SIX THOUSAND AND NO/100 (\$36,000.00) DOLLARS within sixty (60) days after receipt by the Corporation Counsel's Office of a file-stamped copy of the Agreed Order of Dismissal. This sum shall be payable solely by the City of Chicago, and plaintiffs and/or their attorney agree that they will not seek payment from any source other than the City of Chicago. The settlement check will be made payable to plaintiffs, their attorney, and lien claimants, if any, of which the City has notice.

7. In consideration of this settlement entered pursuant to this Release and Settlement Agreement, and upon advice of counsel, plaintiffs agree to indemnify and hold harmless the City of Chicago, and its future, current, or former officers, agents and employees including, but not limited to, the individual defendants, Harold Bone, Gerald Breimon, Michael Stack, Eric Olsen, Arlyn Cassidy, Thomas Dineen, Victor Gutierrez, and John Boyle from any claims, losses, damages or expenses, including attorneys' fees and costs, incurred, or which may be incurred, by reason of any lien or any other claim or interest held by any person, entity or corporation against any moneys received or to be received by plaintiffs under this settlement entered pursuant to this Release and Settlement Agreement.

8. Plaintiffs, upon advice of counsel, understand and agree that in consideration of the settlement entered pursuant to this Release and Settlement Agreement, plaintiffs do hereby release and forever discharge on behalf of themselves and their heirs, executors, administrators

and assigns, all claims they had or have against the individual defendants, Harold Bone, Gerald Breimon, Michael Stack, Eric Olsen, Arlyn Cassidy, Thomas Dineen, Victor Gutierrez, and John Boyle and the City of Chicago, and its future, current or former officers, agents and employees, including but not limited to all claims they had, have, or may have in the future, under local, state, or federal law, arising either directly or indirectly out of the incident which was the basis of this litigation, and that such release and discharge also is applicable to any and all unnamed and/or unserved defendants.

9. This Release and Settlement Agreement and any documents that may be executed under paragraph 12 herein contain the entire agreement between the parties with regard to the settlement of this action, and shall be binding upon and inure to the benefit of the parties hereto, jointly and severally, and the heirs, executors, administrators, personal representatives, successors, and assigns of each.

10. This Release and Settlement Agreement is entered into in the State of Illinois and shall be construed and interpreted in accordance with its laws. Terms contained herein shall not be construed against a party merely because that party was the principal drafter.

11. In entering into this Release and Settlement Agreement, plaintiffs represent that they have relied upon the advice of their attorney, who is the attorney of their own choice, and that the terms of this Release and Settlement Agreement have been interpreted, completely read and explained to them by their attorney, and that those terms are fully understood and voluntarily accepted by plaintiffs. Plaintiffs also represent and warrant that no other person or entity has or has had any interest in the claims or causes of action referred to herein, that they and their attorney have the sole right and exclusive authority to execute this Release and

Settlement Agreement and receive the sums specified herein, and that they have not sold, assigned, transferred, conveyed, or otherwise disposed of any of the claims or causes of action referred to herein.

12. All parties agree to cooperate fully and to execute a Stipulation to Dismiss and any and all supplementary documents and to take all additional actions which are consistent with and which may be necessary or appropriate to give full force and effect to the basic terms and intent of this Release and Settlement Agreement.

X Eric D. Hunt
Eric Hunt, plaintiff

Address: 5239 W Congress Pkwy

Date of birth: 1/5/79

~~*SSN:~~ _____

Andrea Hunt
Andrea Hunt, plaintiff

Address: 5239 W. Congress Pkwy

Date of birth: 07-07-49

~~*SSN:~~ _____

Lawrence V. Jackowiak
Lawrence V. Jackowiak

City of Chicago
a Municipal Corporation

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Margaret A. Carey
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DATE: 8/30/06